

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CLARENCE WASHINGTON,

Plaintiff,

v.

RAYMOND BOOKER, and
MICHAEL MARTIN,

Defendants.

Case Number 11-10448

Honorable David M. Lawson

Magistrate Judge Paul J. Komives

ORDER ADOPTING REPORT AND RECOMMENDATION,
GRANTING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT,
DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT, AND
DISMISSING THE COMPLAINT

Presently before the Court is the report issued on February 18, 2014 by Magistrate Judge Paul J. Komives pursuant to 28 U.S.C. § 636(b), recommending that the Court grant the defendants' motion for summary judgment, deny the plaintiff's motion for summary judgment, and dismiss the complaint. Although the magistrate judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within fourteen days of service of the report, no objections have been filed thus far. The parties' failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [dkt. #65] is **ADOPTED**.

It is further **ORDERED** that the defendants' motion for summary judgment [dkt. #59] is **GRANTED**.

It is further **ORDERED** that the plaintiff's motion for summary judgment [dkt. #61] is **DENIED**.

It is further **ORDERED** that the complaint is **DISMISSED** without prejudice.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: March 10, 2014

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on March 10, 2014.

s/Shawntel Jackson
SHAWNTEL JACKSON